

# Exhibit C



Andrew Mancilla <andrew@law-mf.com>

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**Black et al. v. Dain et al., Case No, 16-cv-1238**

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**Michael H. Schaalman** <mhs@hallingcayo.com>

Mon, Jun 10, 2019 at 1:52 PM

To: Harris Katz <katz.h@wssllp.com>, "Robert Fantone, Esq." <robert@law-mf.com>, "Tracy P. Hoskinson" <tracy.hoskinson@kennedyscmk.com>, Andrew Mancilla <andrew@law-mf.com>, "Dain, Anthony J." <anthony.dain@procopio.com>  
Cc: "Sharan R. Abraham" <sharanrabraham@gmail.com>, "Brad S. Grayson" <bgrayson@straussmalk.com>, donald homyk <donaldhomyk@gmail.com>

Counsel, thank-you for your counter proposals regarding your responses to the plaintiffs' second request for documents. We will respond to them on Wednesday, June 12<sup>th</sup>. We are currently scheduled for the examinations of Mr. Dain on June 15<sup>th</sup> and of Ms. Wrigley on the 17<sup>th</sup> at US Legal in downtown San Diego beginning at 9:00 am each day.. We will forward notices for these depositions in the next day or two. There were numerous objections raised at the depositions of Ms. Cohenson, Mr. Salzman and Mr. Pinto regarding the use of the exhibits obtained through the stipulation in *Black v. Kerr et al., Case No. 17-cv-101*. As I understood these objections, counsel for these defendants and Mr. Dain argued that because these exhibits were marked as confidential pursuant to the confidentiality order in *Kerr*, they could not be used in examining these witnesses even if they were either the authors or recipients of these exhibits. Because you were each so adamant in your objections, I refrained from using the exhibits beyond the initial questioning of Ms. Cohenson. We have in the meantime reviewed the Agreed Confidentiality Order and have concluded that none of the exhibits are properly marked as confidential. I am attaching the Order for your convenience. Paragraph 2 of the Order defines what is confidential by referencing the categories of documents which may appropriately be designated as "CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER." We do not believe that any of the emails produced pursuant to the stipulation and marked "CONFIDENTIAL" have been designated appropriately as defined by the Agreed Order in paragraphs 2 and 3(b). Therefore we ask you to remove these designations from all of the emails produced pursuant to the Stipulation and designated as "CONFIDENTIAL." We would appreciate your prompt response to this request so that we can use these email in the upcoming examinations. We also ask you to review paragraph 6.(b)(8) of the Agreed Order as you consider our request.



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